

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TONEY ANTHONY WHITE,

4 Plaintiff

Case No. 2:18-cv-00008-JAD-PAL

ORDER

5 v.

6 MICHELLE LEAVITT et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 On November 28, 2018, the Court issued a screening order dismissing one claim
11 with leave to amend, dismissing another claim without leave to amend, and permitting
12 one claim to proceed. (ECF No. 3 at 8). The Court granted Plaintiff until December 27,
13 2018, to file an amended complaint. (*Id.*) The Court specifically stated that if Plaintiff
14 chose not to file an amended complaint, the action would proceed immediately on the
15 failure-to-protect claim against Carey only. (*Id.* at 8-9). Plaintiff has not filed an amended
16 complaint. Pursuant to the screening order, this action will proceed on the failure-to-
17 protect claim against Carey only.

18 **II. CONCLUSION**

19 For the foregoing reasons, IT IS ORDERED that, pursuant to the Court's screening
20 order (ECF No. 3), this action will proceed on the failure-to-protect claim against Carey
21 only.

22 IT IS FURTHER ORDERED that the Clerk of Court **WILL ISSUE** a summons for
23 Defendant Carey, **AND DELIVER THE SAME**, to the U.S. Marshal for service. The Clerk
24 also **WILL SEND** sufficient copies of the complaint (ECF No. 4) and this order to the U.S.
25 Marshal for service on Defendant.

26 IT IS FURTHER ORDERED that the Clerk **WILL SEND** to Plaintiff **one (1)** USM-
27 285 form. Plaintiff will have **thirty (30) days** within which to furnish to the U.S. Marshal
28 the required USM-285 form with relevant information as to the Defendant on the form.

1 Within **twenty (20) days** after receiving from the U.S. Marshal a copy of the USM-285
2 form showing whether service has been accomplished, Plaintiff must file a notice with the
3 Court identifying whether Defendant was served or not served. If Plaintiff wishes to have
4 service again attempted on an unserved Defendant, then a motion must be filed with the
5 Court identifying the unserved Defendant and specifying a more detailed name and/or
6 address for said Defendant, or whether some other manner of service should be
7 attempted.

8 IT IS FURTHER ORDERED that henceforth, Plaintiff will serve upon Defendant or,
9 if appearance has been entered by counsel, upon the attorney(s), a copy of every
10 pleading, motion or other document submitted for consideration by the Court. Plaintiff will
11 include with the original paper submitted for filing a certificate stating the date that a true
12 and correct copy of the document was mailed to the Defendant or counsel for the
13 Defendant. The Court may disregard any paper received by a district judge or magistrate
14 judge which has not been filed with the clerk, and any paper received by a district judge,
15 magistrate judge or the clerk which fails to include a certificate of service.

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17 DATED THIS 8th day of January, 2019.

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19 United States Magistrate Judge
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